

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND) BEFORE THE STATE ETHICS COMMISSION
IN THE MATTER OF:)
COMPLAINT C2011-050)
State Ethics Commission,)
Complainant;)
vs.) **DECISION AND ORDER**
Joyce A. Blackwell,)
Respondent.)

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STATE ETHICS
COMMISSION

This matter comes before the State Ethics Commission by virtue of a complaint filed by the State Ethics Commission on January 18, 2011. On March 16, 2011, pursuant to S.C. Code Ann. §8-13-320(10)(i)(Supp. 2010), the State Ethics Commission reviewed the above-captioned complaint charging Respondent, Joyce A. Blackwell, with a violation of Section 8-13-1110, and probable cause was found to warrant an evidentiary hearing.

Present at the Hearing on July 20, 2011 were Commission Members Edward E. Duryea, Chair, George Carlton Manley and Richard H. Fitzgerald. Respondent was present and appeared *pro se*. Complainant was represented by Cathy L. Hazelwood, General Counsel. The following charge was considered:

COUNT ONE
FAILURE TO FILE A STATEMENT OF ECONOMIC INTEREST REPORT
SECTION 8-13-1110, S.C. CODE ANN., 1976, AS AMENDED

That the Respondent, Joyce A. Blackwell, a public employee of South Carolina State University, did fail to timely file an annual Statement of Economic Interests form on or before April 15, 2010.

STATEMENT OF FACTS

1. The Respondent, Joyce A. Blackwell, is the Vice President of Academic Affairs at South Carolina State University (SCSU) and she is required to file an annual Statement of Economic Interests form (SEI) prior to April 15th of each year.

2. Commission Investigator Dan Choate testified that during the course of his investigation he determined that by letter dated November 22, 2010, Respondent was advised that her 2010 SEI had not been received and a late filing penalty was being levied. By certified letter dated December 16, 2010, Respondent was reminded that her SEI had not been received. By letter dated January 20, 2011, Respondent was advised that a complaint had been filed against her.

3. Investigator Choate left a message with Respondent's assistant on January 25, 2011 concerning the late SEI and penalty. On the same date Respondent returned the call and stated she would comply. On February 22, 2011 Respondent complied by filing her 2010 SEI. The late filing penalty of \$4,800 remains unpaid.

4. Kristin Smith, Administrative Coordinator of non-compliance, testified to the timeline of Respondent's registration of an electronic account, when a "saved, not filed" SEI appeared in Respondent's electronic account and when the actual filing occurred on February 22, 2011.

5. Respondent testified that she was not placed on notice by SCSU that she had a financial disclosure requirement. Her assistant attempted to make the appropriate disclosure and they thought they had in January, although the form was saved and not filed.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Commission concludes, as a matter of law:

1. The Respondent, Joyce A. Blackwell, is a public employee as defined by Section 8-13-100(25).
2. The State Ethics Commission has personal and subject matter jurisdiction
3. Sections 8-13-1110 and 8-13-1140, 1976 Code of Laws of South Carolina, provides that certain public officials shall file a Statement of Economic Interests at the time of assuming the duties of the position and annually thereafter prior to April 15.
4. Section 8-13-1510(1) provides as follows:

Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if not filed within five days after the established deadline provided by law in this chapter;

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

DECISION

NOW, THEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, the State Ethics Commission has determined based upon a preponderance of evidence that Respondent Joyce A. Blackwell is in violation of Section 8-13-1110; and therefore, Respondent Joyce A. Blackwell is assessed a reduced late-filing penalty of \$1,000.00. The reduced late filing penalty of \$1000.00 must be paid within 30 days of receipt of the signed order or it will revert to the original \$4800.00

IT IS FURTHER ORDERED, pursuant to Section 8-13-320, a Judgment in the amount of \$4,800.00 is, and shall be entered against Respondent, if she fails to pay the reduced late filing penalty.

IT IS FURTHER THE ORDER OF THIS COMMISSION that the Clerk of Court of the County in which Respondent was last known to reside shall enter this Order in its Judgment Rolls, without cost to the State Ethics Commission, in the amount of \$4,800.00 upon the Commission's filing of same with the Clerk of Court's Office.

FINALLY, Respondent Joyce A. Blackwell has ten (10) days from receipt of this order to appeal this Decision and Order to the full Commission.

IT IS SO ORDERED THIS 11th DAY OF August, 2011.

STATE ETHICS COMMISSION


EDWARD E. DURYEA
HEARING CHAIR

COLUMBIA, SOUTH CAROLINA